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COPY MAILED
DEC 15 2008

In re Application of :
Steven M. Senn :
Application No. 09/888,554 : DECISION ON PETITION
Filed: June 26, 2001 :
Title: Retail Customer and :
Product Purchase Divider with :
Interactive Retail Transaction :
Functions :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office Action mailed October 3, 2003. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on January 4, 2004. A Notice of Abandonment was mailed on May 5, 2004. A petition filed under 37 CFR 1.137(b) was dismissed on August 7, 2008.

Petitioner states that he did not receive the October 3, 2003 non-final Office action and the Notice of Abandonment because he no longer received mail at the correspondence address of record. Petitioner states he unintentionally failed to submit a change of address with the Office.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

As to item (1) petitioner has failed to provide a reply to the non-final Office action. A petition to revive cannot be granted without a reply to the October 3, 2003 Office action.

As to petitioner's request for a 12 month extension of time, the maximum period for extension of time which can be purchased based upon a petition decision is five months pursuant to 37 CFR 1.136.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions